

SENATE BILL 45

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2002 Regular Session  
2lr0232

(PRE-FILED)

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By: **Senators Bromwell and DeGrange**

Requested: July 2, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Forgery of Controlled Dangerous Substance Prescriptions**  
3 **or Orders - Penalty**

4 FOR the purpose of making it a felony to obtain or attempt to obtain a controlled  
5 dangerous substance or procure or attempt to procure the administration of a  
6 controlled dangerous substance by counterfeiting or altering a prescription or a  
7 written order; altering certain penalties; and generally relating to obtaining or  
8 procuring a controlled dangerous substance by counterfeiting or altering a  
9 prescription or written order.

10 BY repealing and reenacting, with amendments,  
11 Article - Criminal Law  
12 Section 5-601  
13 Annotated Code of Maryland  
14 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
15 2002)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Law**

19 5-601.

20 (a) Except as otherwise provided in this title, a person may not:

21 (1) possess or administer to another a controlled dangerous substance,  
22 unless obtained directly or by prescription or order from an authorized provider  
23 acting in the course of professional practice; or

24 (2) obtain or attempt to obtain a controlled dangerous substance, or  
25 procure or attempt to procure the administration of a controlled dangerous substance  
26 by:

27 (i) fraud, deceit, misrepresentation, or subterfuge;

1 (ii) the counterfeiting or alteration of a prescription or a written  
2 order;

3 (iii) the concealment of a material fact;

4 (iv) the use of a false name or address;

5 (v) falsely assuming the title of or representing to be a  
6 manufacturer, distributor, or authorized provider; or

7 (vi) making, issuing, or presenting a false or counterfeit  
8 prescription or written order.

9 (b) Information that is communicated to a physician in an effort to obtain a  
10 controlled dangerous substance in violation of this section is not a privileged  
11 communication.

12 (c) (1) Except as provided in [paragraph (2)] PARAGRAPHS (2) AND (3) of this  
13 subsection, a person who violates this section is guilty of a misdemeanor and on  
14 conviction is subject to imprisonment not exceeding 4 years or a fine not exceeding  
15 \$25,000 or both.

16 (2) A PERSON WHO VIOLATES SUBSECTION (A)(2)(II) OF THIS SECTION IS  
17 GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
18 EXCEEDING 10 YEARS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

19 (3) A person whose violation of [this section] A PROVISION SPECIFIED IN  
20 SUBSECTION (A)(1) AND (2)(I) AND (III) THROUGH (VI) OF THIS SUBSECTION THAT  
21 involves the use or possession of marijuana is subject to imprisonment not exceeding  
22 1 year or a fine not exceeding \$1,000 or both.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2002.